



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Scott E. ANDERSEN *et al.*

Appln. No.: 10/626,717

Filed: July 25, 2003

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1634

Examiner: Jehanne S. Sitton

Atty. Docket: 16517.301

Conf. No.: 2211

Information Statement

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants draw the Examiner's attention to NCBI BLASTN accession numbers included in the accompanying Information Disclosure Statement. The listed accession numbers were obtained by conducting a BLASTN analysis of SEQ ID NO: 11 through the National Center of Biotechnology Information (NCBI) website (<http://www.ncbi.nlm.nih.gov/blast/Blast.cgi>). To conduct the BLASTN analysis and obtain the listed BLASTN accession numbers, Applicants entered the nucleotide sequence of SEQ ID NO: 11 into the "Enter Query Sequence" box on the NCBI website and selected to search the database entitled "non-human, non-mouse ESTs," limiting the search to "highly similar sequences." The BLASTN algorithm of the website then performed an alignment of SEQ ID NO: 11 with other highly similar sequences located in the "non-human, non-mouse ESTs" database. The resulting alignment allowed Applicants to

compare the identity of SEQ ID NO: 11 with other sequences represented by respective accession numbers.

Applicants respectfully remind the Examiner that the mere listing of a reference in an information disclosure statement is not taken as an admission that the reference is prior art against the claims. *See Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324 F.3d 1346, 1354-55, 66 USPQ2d 1331, 1337-38 (Fed Cir. 2003). Likewise, Applicants believe the claimed subject matter to be patentable over the polynucleotide sequences represented by the BLASTN accession numbers listed above and invite the Examiner to contact the undersigned with any questions. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lisa A. Adelson".

Lisa A. Adelson (Reg. No. 51,204)
Holly Logue Prutz (Reg. Atty. No. 47,755)
David R. Marsh (Reg. Atty. No. 41,408)

Date: February 21, 2008

ARNOLD & PORTER LLP
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile